

**THIS IS A NOTICE REGARDING YOUR CLAIM. YOU MUST READ IT
 AND TAKE ACTION IF YOU DISAGREE WITH THE OBJECTION.**

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

In re:)	Case No. 12-12020 (MG)
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
Debtors.)	Jointly Administered

**NOTICE OF HEARING ON SEVENTEENTH OMNIBUS OBJECTION TO CLAIMS
 (MISCLASSIFIED BORROWER CLAIMS)**

Perry E. Goerner

Proposed Claim(s) to be Reclassified				Proposed Reclassification		Reason for Disallowance
Claim No(s).; Date Filed	Debtor	Classification	Amount	Classification	Amount	
3515 11/07/12	Residential Capital, LLC	Administrative Priority	N/A	Administrative Priority	N/A	Improperly Asserts a Security Interest against the Debtors and/or a Priority Claim
		Administrative Secured	N/A	Administrative Secured	N/A	
		Secured	UNLIQUIDATED	Secured	N/A	
		Priority	N/A	Priority	N/A	
		General Unsecured	N/A	General Unsecured	UNLIQUIDATED	

PLEASE TAKE NOTICE that, on July 3, 2013, Residential Capital, LLC and certain of its affiliates (collectively, the "Debtors") filed their Seventeenth Omnibus Objection to Claims (Misclassified Borrower Claims) (the "Objection") with the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court").¹ The category of claim objection applicable to you is identified in the table above in the column entitled "Reason for Disallowance".

The Objection requests that the Bankruptcy Court reclassify one or more of your claims listed above under PROPOSED CLAIM(S) TO BE RECLASSIFIED on the ground that the claim(s) improperly assert(s) a security interest against the Debtors and/or priority claim(s).

¹ A list of the Debtors, along with the last four digits of each Debtor's federal tax identification number, is available on the Debtors' website at <http://www.kccllc.net/rescap>.

**UNITED STATES BANKRUPTCY COURT
SOUTHER DISTRICT OF NEW YORK (MANHATTAN)**

In re.

Chapter 11

GMAC MORTGAGE LLC. &
RESIDENTIAL CAPITAL, LLC, et al.,
Debtor.

Case No. 12-12032 (MG)

Debtors Address:
c/o KCC
2335 Alaska Ave.
EL Segundo, CA. 90245

No. 3515

PERRY E. GOERNER pro se.

**ANSWER, OBJECTION TO THE
RECLASSIFICATION,
AFFIRMATIVE RESPONSES
TO ACTUAL FRAUD**

Plaintiff

vs.

GMAC MORTGAGE LLC. &
RESIDENTIAL CAPITAL LLC. et al,

Defendant

PERRY E. GOERNER, Plaintiff herein, does swears and says that all of the
attached foregoing statements and written Reasons, with paper documentation
that are in my possession are of true copies of originals pertaining to the original
cause of action, in my original claim as filed to this court to the debtor, #3515,

NOT FULLY SIGNED DOCUMENTS :

Plaintiff's Reasons / Complaints , Objections: why the claims should not be disallowed and claims be reclassified:

1. Plaintiff, was not mentally capable of signing the closing documents See Exhibit # 20, 57 pgs. causally from medication, and Disabilities.
2. Closing Loan documents were altered, thus causing said documents to be void , or voidable, see Exhibit # 9 recorded Mortgage document
3. Loan was a predatory loan, Plaintiff did not qualify for the loan, and had no income at the signing of the 30 yr. Fixed loan.
4. Plaintiff was harassed by the Defendant's companies for 3 years, after numerous calls to stop.
5. Plaintiff did not have the right to rescind the contract causally because he did not receive a copy of the signed notice at closing .
6. Defendant's took advantage of a Person With Disabilities, Plaintiff is a 100% disabled adult and was taken advantage of by the Defendant's, by way of altering documents for a mortgage acquired thru fraudulent practices.
7. Defendant used unfair banking practices by way of not answering a modification request for 18 mos.

8. Plaintiff requires reimbursement of all funds expended towards the mortgage since date of inception on 03/30/2007, because of the altered documents.

9. Plaintiff should be compensated for the MENTAL ANGUISH, and other damages that were caused by the Defendant's actions against the Plaintiff in this fraudulent loan and foreclosure action.

10. Plaintiff should have the right to sue the Defendant's in a civil court because of the fraud which was committed in the inception of the loan and the damages It has caused with a Jury of his Peers.

11. Plaintiff should qualify for Special Consideration for money damages, for fraud, and mental anguish.

12. Defendant's / Debtor's may have, and their hired participant's during the production of the loan application, until the closing of the loan, violated certain Federal & State laws and statutes that are applicable in this claim, including but not limited to The Disabilities Act , RESPA, others to be determined, by their Falsifying my income thus Fraud against the Plaintiff.

13. The Records are not credible, and not properly signed.

14. I cannot read and comprehend the 166 pages of this document on the web site for this proposed bankruptcy, therefor cannot make an informed decision, or answer. I have not been able to reach anyone at the numbers as they are continuously busy.

15. I have not been able to get an attorney because of my lack of income and available funds, I have applied to the Legal Services in Sussex County. NJ I qualify because of my Disabilities , I get Medicaid, I paid / Donated \$25.00 for a referral to an attny, and he wanted 15,000., apparently this is the going price. I am trying to obtain one before the hearing on 08/21/2013, I was suggested to use U Tube, that is to be seen.

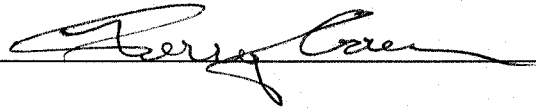
16. I demand relief for the amount owed on my mortgage for the fraudulent mortgage tactics and the suffering I have had to endure in the process.

The mortgage note be void and unenforceable , from the altered signatures.

CERTIFICATION OF VERIFICATION AND NON- COLLUSION

I certify that the foregoing statements and the papers made and supplied by me are true. I acknowledge that if the statements are willingly false, I am subject to punishment.

Dated : 07/30/2013

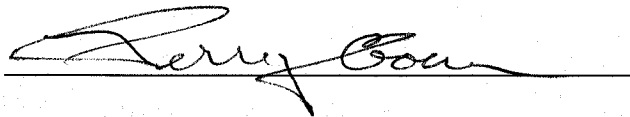


PERRY E. GOERNER pro se.

CERTIFICATION

The undersigned hereby certifies that the within Answer to the Objection is filed with the Bankruptcy Court , Defendants and Attorneys and within the time allowed by the court.

DATED : 07/30/2013



PERRY E. GOERNER pro se.

The Plaintiff Perry Goerner does hereby swears and says:

I am a Disabled Mentally and Physically Handicapped Person , I was permanently disabled on 04/ 27/2006, see Exhibit #6 the SS Disability Benefit letters containing 2 pages, showing the date of disability, I have not worked in any capacity since that day, and until the present and still collect Disability benefits.

I was contacted by a mortgage officer Jay McCrimlisk on or about February of 2007, to refinance my loan, he worked for Kensington Financial Services, I knew of him as he was a friend's boyfriend, and he procured a mortgage for me years before my disability, I saw him at a Christmas party at a friend's house in 2006, and spoke to him and his girlfriend briefly about my disability at the party I had no other social contact with him.

I applied for the refinance thru Jay and filled out all of the required application forms and I reported that I had not worked since 04/27/2006, he was supplied with my income verification and I did not lie on any of the forms this was 11 months after I was disabled for life, I did not receive any copies of the forms that I had signed and gave to him. I was contacted by him, that the closing on the loan was to be at his office On March 30, 2007 he gave me 3 days notice.

The Plaintiff was to sign a mortgage note and associated papers contained in 57 pages Exhibit #20, from the Defendant Homecomings Mortgage company,

now dissolved, and became GMAC Mortgage the defendant in this action, the time of the appointment was to be at 4:00pm. At the offices of Kensington Financial Services in Ramsey, NJ, a now Dissolved Company. The Plaintiff arrived on time and was advised that the settlement attorney Craig P. Nazzaro, would be late, and I was to wait in an office there until he arrived, the attorney arrived 2-1/2 hours later at 6:30pm. It was after hours and all of the employees had left, leaving me alone with a woman who was cleaning the office Jay McCrimlisk was not present.

I was greeted by Craig Nazzaro and immediately was given copies of the mortgage papers , 57 pages Exhibit # 20, and asked to sign them.

I advised Mr. Nazzaro that because of his tardiness I had taken medication because of my dizziness, ringing in my ears and neck and back pain, and I could not read and understand the documents that were before me and that I was disabled and that my income was nill, while he was aware of the facts, he wanted me to sign, I remember I scribbled a signature on one document and that I could not write my signature , he then advised me that the copy machines were turned off and I could not get a copy of any documents, I refused to sign these documents causally of my disability to read and understand them, I asked for another appointment.

On the way out the door I told the Attorney if he wanted to sign the documents that he could, I never received any of these signed documents at the closing.

I was given 57 blank copies, Ex #20 to go home and read for another appointment to close on the loan.

I never heard from him again, but there was a deposit in my bank acct for 89,647 on April 5, 2007 Exhibit # 18, 6 days, after the closing on the not fully signed loan.

I received a mortgage without executing a fully signed note, while under medication, not able to read and understand said contract, and without any income.

Enclosed are Exhibits #32 , 2 pgs of Craig P. Nazzarro linked in profile showing his work history and that he had his own settlement company Cresent Lake

Settlements LLC. , and Exhibit # 33 totaling 20 pgs. Of a Bankruptcy memorandum for his father Craig R. Nazzaro who was 45% owner in the now defunct Kensington Financial Services the financial company that had procured the loan application and mortgage, showing the badges of fraud as a family member to Craig P. Nazzaro.

I continued to pay my mortgage premium for the next **40 months**, I had to sign an automatic bill- pay with the mortgage application, see Exhibits # 12, and # 13 totaling 3 pgs. For **2,810.00** per month, totaling more than **112,400.00**.

I had used all of my savings and my settlement money from my accident on 04/27/2006 that caused my disability to pay for this apparent fraudulent mortgage with an income of less than **900.00** monthly from my SS disability.

For a short time I was making some leather goods at home and sold them on the internet and flea markets, I've been selling my record collection for my House expenses. I do not have the funds to hire an attorney.

I received a copy of the appraisal of my house at the closing on 03/30/ 2007

See Exhibit # 10, totaling 15 pages, the comparables listed are Mansions compared to my house , the appraisal was for 430,000, this was a false, inflated appraisal.

I have appealed my taxes and enclosed is the Exhibit # 31 Tax Judgement of 246,100, showing that my house is only worth 68,100. In improvements and land of 178,000.00.

On or about February of 2012 I researched my mortgage note at the hall of records, and had a copy made see Exhibit #9, containing 15 pages, it does not contain any of my signatures, where the signature page was supposed to be, pg. 14 , it was deleted and replaced with a title explanation.

If you compare the blank mortgage note that was given to me at the closing Exhibit # 20, there was a signature page 14.

The 15 page mortgage note that was filed, had whited out the first page, where it was supposed to be returned to Homecomings Financial, and was changed to be returned to Crescent Lake Settlements, and this document was not recorded until August of 2008 15 months after the closing on the loan, Showing that this document was altered.

On page 4 of 5 , Exhibit# 20, of the 57 documents supplied at the closing it specifically states that any whiteout has to be approved by the bank prior to closing, and also in this document it states that all signatures have to be the same as the applicants name as printed and signed in full.

Ocwen Servicing Company has bought my loan See Exhibit # 34 , 3 letters totaling 5 pgs., And it states that I owe 387,506 as of 2/ 26/ 2013, I have disputed this amount and enclosed is the letter and documents that they have provided,

See Exhibit # 29, 33 pgs. In these documents, there is an original stamped copy, it has the signature page, with a not complete signature , and it is not whited out for the record and return to address, and it was supposed to be returned to the bank, Homecomings financial .

These documents Have Been Altered, and are not the originals.

In the letter from Ocwen Exhibit # 29 it states that I was in foreclosure proceedings and the documents that they had provided were from GMAC Mortgage ,and were from January of 2011, **the time when the Honorable Judge Rabner, halted all foreclosures because of the admitted false signatures from MERS, and the fraudulent practices of the banks, GMAC and it's subsidiary Homecomings Financial being one of them.**

I was never contacted by writing from GMAC. After I sent a Hardship Letter stating that the loan was a fraud, and about my disability see Exhibit # 36, 1pg. in November of 2010, that had accompanied my loan modification application, that was denied within 20 days.

I had applied for a mortgage modification in March of 2009, and called the Mortgage co, Homecomings financial many times and never was contacted with an answer until November of 2010, when I was asked to re submit my modification applicationbut I was constantly harassed by phone almost daily.

I repeatedly asked them not to call, because of my disabilities, and that this was a fraud, until I faxed a letter to cease and desist on March 6, 2012 see Exhibit # 35, 6 pgs. I have many pages where I have written down their names, and #'s, and will produce them at the hearing, they were calling over 2 years.

The following are proofs of my disabilities by way of doctors reports after my motorcycle accident on 04/27/2006, from that date and to the sworn reports to the courts, stating of the permanent physical and mental disabilities.

This includes a doctor's visit which states my mental disability just 9 days before the 03/30/2007 closing, and prescription see Exhibit # 1, Dr. Englestein's report. Exhibit #16 is a report from my orthopedist to the court and a prescription for medication including a note from Dr. Basch on 03/07/2007.

This Mortgage was apparently a predatory loan in which to profit the originators and the banks, they have obviously altered documents.

This has caused me great mental anguish by the constant thoughts of foreclosure and where am I to live has depressed me to where I am constantly thinking about it causing lack of sleep and generally dizzy all the time with the ringing in the ears, and severe back pain

I designed and built this house 31 years ago, I raised my children here, I lost a son .

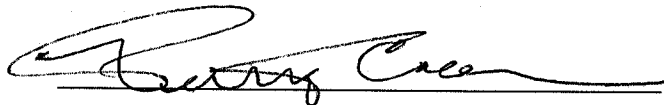
I have been harassed by the constant calls from this company their sending people unannounced to my house to change the locks, if I were not at home, which I am, they would have changed the locks, the last one was on 07/15/2013, See EX. 35.

Pg. 8

I hereby certify that the foregoing statements and the papers made and supplied by
me are true.

I acknowledge that if the statements are willingly false, I am subject to punishment.

Dated : 7/30/2013

A handwritten signature in black ink, appearing to read "Perry E. Goerner", is written over a horizontal line.

PERRY E. GOERNER pro se.

LIST OF EXHIBITS ENCLOSED IN THIS ACTION in the ORDER IN THE

ANSWER:

EX . 6 : 2 pgs. SS Benefit Letters

EX. 20 : 57 Pgs. Of Original Documents NOT SIGNED

EX. 18 : 1 pg. Bank Statement

EX. 32 : 2 pgs. Craig P. Nazzaro Linkedin Profile.

EX. 33 : 20 pgs. Craig R. Nazzaro Bankruptcy Memorandum

EX. 12 : 2 pgs Auto Bill Pay

EX. 13 : 1 pg. Bill Pay

EX. 10 : 15 pgs. House Appraisal

EX. 31 : 1pg. Tax Appeal

EX. 9 : 15 pgs. Filed Mortgage note Altered

EX. 29 : 33 pgs. OCWEN SERVICING Letter, Mortgage note papers

EX. 34 : 5 pgs. Ocwen Bank Letters

EX. 35 : 6 pgs. Cease and Desist Letter

EX . 36 : 1 pg. Hardship Letter to mortgage Modification

EX. 37 : 2 pgs. Modification Denied 12/13/2010

EX. 16 : 7 pgs. Report From Dr. Basch To The Court

EX. 1 : 10 pgs. Dr. Englestein's Report to the court & prescriptions

EX. 26 : 1 pg. Bankruptcy filed claim